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C O N F I D E N T I A L SECTION 01 OF 02 SANA 000223

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SUBJECT: ROYG CLARIFIES REFUGEE POLICY: UNHCR WILL NO
LONGER MAKE STATUS DETERMINATIONS FOR NON-SOMALIS

REF: SANA 40

Classified By: DCM NABEEL KHOURY, FOR REASONS 1.4 (B) AND (D).

¶1. (C) SUMMARY: In a meeting with visiting Refcoord, Poloff, and Conoff, Deputy Foreign Minister Mohy al-Din Al-Thibbi confirmed a de facto change in the Republic of Yemen Government's (ROYG) refugee policy concerning non-Somalis: UNHCR would no longer be granted access to newly arriving non-Somali migrants to make refugee status determinations. Citing the inability of Yemen to continue absorbing economic migrants, Al-Thibbi claimed that the Ministry of Interior would be able to make judgments concerning refugee claims for non-Somalis, and insisted that the vast majority of non-Somalis seeking entry into Yemen were not fleeing political or other types of persecution. Refcoord reminded DFM of the government's obligations toward refugees and asylum seekers as a signatory of the 1951 Convention on Refugees. Al-Thibbi requested additional financial support from the international community, including the USG, to afford the ROYG not only resources to process newcomers, but also to effectively manage existing refugee populations. He implied that with additional funds, the ROYG would again allow UNHCR access to non-Somali asylum seekers in order to make refugee status determinations. END SUMMARY

¶2. (C) Al-Thibbi opened the meeting by acknowledging that the ROYG's refugee policy has had to evolve in order to adapt to new realities. With the conflict in Somalia continuing to foment instability in the region, the ROYG could no longer afford to maintain its previous policy of allowing virtually any would-be refugee arriving in Yemen to remain here. Al-Thibbi claimed that Somali arrivals -- to whom the ROYG continues to provide *prima facie* refugee status -- are averaging "hundreds per week," and would quickly drain already scarce resources in Yemen. However, when asked by Refcoord, Al-Thibbi could not provide specific information about a large-scale increase in arrivals. With respect to Ethiopian and other non-Somali arrivals, Al-Thibbi stated that the ROYG did not consider the vast majority to be legitimate refugees, but rather seekers of economic opportunity, using Yemen only as a jumping-off point en route to neighboring gulf countries.

¶3. (C) Al-Thibbi claimed that Yemen was straining to cope with the influx of refugees, already straddled with what he claimed were between 300,000 and 400,000 arrivals over the past 16 years. (NOTE: According to UNHCR Sanaa, approximately

48,000 registered Somalis are in country, most of whom live outside of the Kharaz refugee camp or in urban settings. UNHCR is awaiting ROYG permission to conduct registration for the non-Somalis to determine accurate numbers of the total population, but has not yet received approval. Most observers believe that up to 90,000 total refugees are currently in Yemen, although the majority do not seek assistance from UNHCR. END NOTE) Additionally, Al-Thibbi complained that refugee camps are often sources of criminal activity, including prostitution, rape, illicit drugs and even murder. Moreover, with the local UNHCR office facing a 25 percent budget cut, which will force it to limit its operations, Al-Thibbi stated that the ROYG had no choice but to seek to staunch the flow of migrants via immediate repatriations.

¶4. (C) When asked by Refcoord to clarify the ROYG's new policy regarding non-Somali refugees, Al-Thibbi stated that the government would seek immediate repatriation for the vast majority of non-Somali refugees. The Ministry of Interior would make refugee status determinations to identify and protect the estimated 2-3 percent of newly arriving non-Somalis with legitimate refugee claims. Additionally, Al-Thibbi claimed that permission for non-Somalis to remain in Yemen while awaiting UNHCR to conduct refugee status determinations was not nor ever was explicit ROYG policy. Refcoord reminded Al-Thibbi of the government's obligations toward refugees and asylum seekers as a signatory to the 1951 Convention on Refugees, urging the government to work with UNHCR to ensure that all asylum seekers are given the ability to have their claims for refugee status evaluated fairly. Al-Thibbi claimed that had the ROYG been able to predict the regional instability that was to come, it would not have

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agreed to the provisions, calling signing the Convention a "mistake."

¶5. (C) Al-Thibbi asserted that with additional cooperation and financial assistance from the international community, the ROYG would be more willing to return to its previous policy of granting UNHCR the ability to conduct refugee status determinations for newly arriving non-Somalis. Citing "hot spots" such as Iraq, Sudan and Pakistan, which siphon away global attention, Al-Thibbi complained that Yemen's plight was no less serious, and was compounded by the country's extreme poverty. Yemen's economy simply could no longer withstand the strain of new economic migrants. The Ministry of Interior, the ministry with the most responsibility for refugee matters, currently does not even have a budget for dealing with refugees, he stated. Refcoord pointed out that the USG funds approximately one-third of UNHCR operations globally and may resettle as many as 70,000 refugees worldwide in FY07.

¶6. (SBU) Al-Thibbi noted that the ROYG would be calling for a meeting of UNHCR donor countries to highlight the need for additional funding to enable Yemen to deal effectively with its refugee plight.

¶7. (C) COMMENT: UNHCR estimates that more than 20,000 people arrived in Yemen in 2006 claiming refugee status, mostly from Somalia. Recently arrived Somalis interviewed by UNHCR stated that more than 9,000 more people are currently in Bossasso, Somalia waiting to make the trip to Yemen. While no one, including the ROYG, can be sure how many migrants and refugees have arrived in Yemen over the past 16 years, they certainly number in the hundreds of thousands. There are sections of the city of Aden that are entirely inhabited by migrants and refugees, and entire villages in the south made up of Somalis that have arrived over the past decade. Yemen, with a GDP per capita of less than USD 800 per year, is feeling the economic strain from these arrivals and al-Thibbi's comments demonstrate the ROYG's concern that continued instability could bring even more to Yemen. Al-Thibbi clearly recognizes that the ROYG's policy shift

represents a violation of its commitments under the 1951 Convention, but also seems to feel that the ROYG needs to make such moves in order to give a louder voice to its plea for greater international assistance in handling its refugee load.

KRAJESKI